

**THE CITY OF NEW YORK
DEPARTMENT OF SANITATION**

**NOTICE OF ADOPTION OF FINAL RULES
GOVERNING DEPARTMENT COLLECTION OF YARD WASTE MATERIAL
FROM RESIDENTIAL BUILDINGS**

NOTICE IS HEREBY GIVEN in accordance with the requirements of section 1043 of the New York City Charter and pursuant to the authority vested in the Commissioner of the Department of Sanitation by section 753(a) and (b) of the New York City Charter and by section 16-308 of the Administrative Code of the City of New York that the Department adopts the following amendments to section 1-08 of Chapter 1 of Title 16 of the Rules of the City of New York governing the collection of yard waste material from residential buildings. The Department published a Notice of Opportunity to Comment on the proposed rules in the City Record on March 2, 2007. On April 3, 2007 the Department held a public hearing on the proposed rules. Pursuant to section 16-323 of the Administrative Code of the City of New York the Department submitted the final rule to the City Council for an additional thirty-day statutory review period on April 9, 2007. Existing provisions to be deleted are shown below in brackets and new provisions are underlined.

Section 1. Subdivision (a) of section 1-08 of chapter 1 of title 16 of the rules of the city of New York is amended to read as follows:

(a) Designated recyclable materials. Pursuant to §§16-304 and 16-305 of the New York City Administrative Code the following materials are designated as recyclable materials for purposes of this section: metal cans, metal items, aluminum foil, aluminum foil products, containers made of glass, and plastic bottles and jugs and beverage cartons (collectively referred to as designated recyclable metal, glass and plastic); [and] newspaper, magazines, catalogs, phone books, mixed paper and corrugated cardboard (collectively referred to as designated recyclable paper); and yard waste. This subdivision notwithstanding, designated recyclable paper and aluminum foil and aluminum foil products that are substantially soiled with food, paint or some other contaminating material shall not be considered a designated recyclable material.

Section 2. Subdivision (h) of section 1-08 of chapter 1 of title 16 of the rules of the city of New York is amended by adding a new paragraph (3) and renumbering existing paragraphs (3) and (4) as paragraphs (4) and (5), as follows:

(3) Yard waste material. For the purposes of this subparagraph, "yard waste" shall be as defined in subdivision (p) of §16-303 of the Administrative Code. Yard waste material, which the Department collects under its seasonal collection programs through curbside collection service in districts designated by the Commissioner to receive such service, shall be placed out for curbside collection on the day(s) specified for yard waste collection by the Commissioner in either of the following:

(i) biodegradable, two-ply wet strength stock (fifty pounds each ply) leak-proof paper bags. Such bags shall not exceed 16 inches in length by 12 inches in width by 35 inches in height, and shall have a minimum capacity of 30 gallons and a maximum capacity of 55 gallons. Any written statement from the manufacturer of paper bags that it has complied with the biodegradability requirements for such bags shall relieve the user of such bags from liability for deviation from the biodegradability requirements; or

(ii) rigid containers, provided that such containers are unlined, and are a minimum of 20 and a maximum of 32 gallons in capacity.

(4) Non-designated material. Materials that are not required to be source separated for recycling shall be removed from both curbside and mechanized collection recycling containers prior to recycling collection day.

[(4)] (5) Designated recyclable materials. Designated recyclable materials that have been source separated as required by subdivision (g) of this section shall not be placed out for collection in the same container as non-designated material.

Statement of Basis and Purpose. The Sanitation Commissioner is authorized to adopt rules relating to the collection and removal of solid waste, recyclable and other materials pursuant to §753 of the New York City Charter, and §§16-304 and 16-305 of the New York City Administrative Code. On October 17, 2006, Mayor Bloomberg signed into law Local Law 40 for the Year 2006 that amends 16-308 of the Administrative Code governing composting requirements for residents and businesses that generate yard waste.

Subdivision (a) of §1-08 adds the term ‘yard waste’ to the list of designated recyclable materials to be collected separately by the Department. Subdivision (h) of §1-08 includes technical revisions to the current container and set-out requirements for seasonal yard waste collected by the Department by requiring residents to use leak-proof, biodegradable paper bags, or unlined, rigid containers when placing yard waste out for curbside collection.

In 1999, the Department completed the multi-phase expansion of leaf and yard waste composting collection service to residents in districts with high leaf generation in the Bronx, Brooklyn, Queens and Staten Island. Nearly ten years later, the Department continues to compost leaves and yard waste at its various compost facilities in Staten Island and the Bronx, and seeks to acquire additional, future composting capacity consistent with the City’s Comprehensive Solid Waste Management Plan approved by the State in October, 2006. Municipal recycling and composting continue to represent a major component of the City’s solid waste management system and its ambitious recycling program.

The Department has concluded after careful study that placing yard waste out in paper bags or loosely in rigid containers will reduce overall composting costs, eliminate odors caused by the anaerobic digestion of leaf and yard waste material post collection, and create a better and more marketable horticultural end product. In accordance with the findings of the Department’s study, the purpose of this rule, which is technical in nature, is to enable the Department to maximize its ability of capturing all of the yard waste material set out by residents at designated times, and to convert that material into a usable end product while reducing the City’s waste stream.